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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MORGAN STANLEY SMITH BARNEY LLC,

Plaintiff,

-against-

JOHN FITZGERALD,

Defendant.

Case No. 1:17-cv-12866

**NOTICE OF  
VOLUNTARY  
DISMISSAL**

Plaintiff Federal Trade Commission hereby gives notice of its voluntary dismissal without prejudice of Defendant John Fitzgerald, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Defendant Fitzgerald has not filed an answer or motion for summary judgment as of this time.

Respectfully submitted,

s/ Joseph E. Gehring, Jr.  
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Dated: March 13, 2018